

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation, on March 14, 2017, adopted an amendment to Chapter 615, “Sanctions,” Iowa Administrative Code.

Notice of Intended Action for this amendment was published in the February 1, 2017, Iowa Administrative Bulletin as **ARC 2921C**.

The Department is updating the rule regarding service of notice to further streamline the process of documenting when the Department mailed a notice by allowing the Department to confirm and certify under penalty of perjury that the mailing was properly sent and to remove unnecessary language related to what must occur if the Department determines it failed to send a notice since these requirements are already clearly outlined in statute.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

This amendment is identical to the one published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 321.16.

This amendment will become effective May 17, 2017.

The following amendment is adopted.

Amend rule 761—615.37(321) as follows:

**761—615.37(321) Service of notice.**

**615.37(1) to 615.37(3)** No change.

**615.37(4)** The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in conjunction with U.S. Postal Service records available to the department. The department’s affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

~~**615.37(5)** The department shall prepare an affidavit of mailing if the department determines, under Iowa Code section 321.211A, that it failed to serve a notice of suspension or revocation. The department shall send the affidavit to the court that rendered the conviction.~~

This rule is intended to implement Iowa Code sections 321.16, 321.211, 321.211A, 321.556, 321J.9, 321J.12, and 331.655.

[Filed 3/14/17, effective 5/17/17]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/12/17.